



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

## JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

### MINUTES OF REGULAR MEETING

**Polk County River Place  
2309 Euclid Avenue, Conf. Room 1A  
Des Moines, IA 50310**

**December 5, 2013**

**Present:** Rita Ferneau, Chair; Andrew Allen; Candice Bennett; Robert Bonus; Christy Burkhart; Stephen Clarke; Joel Illian; Margaret Johnson; Roy Klobnak; Dillon Malone; Bill Ocker; John Quinn; Tony Reed; Carl Smith; Shauna Soderstrum; Zachary Thomas; Jeralyn Westercamp; Doug Wolfe

**Staff:** Paul Stageberg; Kile Beisner; Dave Kuker; Steve Michael; Scott Musel; Kathy Nesteby; Julie Rinker

#### **I. Call to Order**

- Changes and Approval of Agenda
- Introductions

Rita Ferneau, Chair, called the meeting to order at 10:04 a.m. A quorum was present. There were no changes to the agenda. Introductions were made.

#### **II. Approve Minutes**

There were no changes or corrections to the minutes from the September 5, 2013, meeting. Judge Stephen Clarke moved to approve, seconded by Carl Smith. The motion was unanimously approved.

[10:07 a.m. – Christy Burkhart and John Quinn joined the meeting.]

#### **III. Division Update**

Paul Stageberg reported on CJJP activities:

- The position awarded by the legislature last year was recently approved by the Department of Management and is now being posted. However, \$160,000 to cover the position was omitted from next year's "status quo" budget and will not be in the Governor's budget request. Stageberg was hopeful that the Senate would restore the funding.

*Division of Criminal and Juvenile Justice Planning*

- The Prison Population Forecast for FY2013-2023 was released last week.
- The Public Safety Advisory Board submitted its report to the legislature. A separate report was prepared regarding the Klunder kidnapping case and kidnapping statutes. The PSAB recommended changes to 2<sup>nd</sup> degree kidnapping. The PSAB also recommended mandatory minimum sentencing reductions for 1<sup>st</sup> and 2<sup>nd</sup> degree robbery, believing that a 'one size fits all' approach was not good public policy.

#### **IV. National Update**

Stageberg reported that the U.S. Senate request for JJDP Act funding is less than awarded in the current fiscal year; the House request is even less. A budget has not been passed.

Judge Clarke discussed changes in the Coalition for Juvenile Justice (CJJ), Government Relations Committee. A core of 16 members would serve two, two-year terms. He has been asked to serve, but was undecided at this time.

#### **V. Council Budget Report**

Kile Beisner reported that FFY2013 Council funds in the amount of \$30,000 have been expended. A report included expense totals for each subcommittee. Council funds for the current FFY were reduced to \$20,000. Some travel reimbursements and CJJ dues for 2014 have been paid; a balance of \$15,030.04 remains.

- **Discuss Executive Committee's decision on Council funds**

Scott Musel reviewed a motion at the last meeting for specific expenditures of unspent, expiring federal funds. The laptop computer was ordered, but did not arrive prior to the end of the fiscal year and therefore, did not qualify. Additionally, the state's fiscal administration denied a claim to pay 2014 CJJ dues in advance. As a result, rather than revert the funds, the JJAC Executive Committee met and approved \$4,407.81 toward claims for judicial district allocation and a youth initiative project. Minutes from the Executive Committee meeting were included in the meeting packet.

- **OJJDP Training & CJJ Conference – June 17 – 21, 2014 in Washington, DC**

Musel discussed staff training mandated by the federal Office of Juvenile Justice and Delinquency Prevention. Both the training and CJJ conference will be held in Washington, DC. Due to the reduction in Council funds, staff recommend that one individual from CJJP attend the training and also represent the JJAC at the CJJ conference.

Discussion included that the Chair or their designee has represented the Council in the past and that an agenda for the conference has not been published. There was consensus to defer the decision to the March meeting when more information may be available.

## **VI. Compliance Monitoring Report**

Musel reported facility visits have been completed. He will begin data analysis and submit the report to OJJDP by the June 30, 2014, deadline.

- **Prison Rape Elimination Act Update (PREA)**

Musel reviewed discussion from the September meeting regarding a federal report that nationally ranked the Eldora Boys State Training School (STS) for sex abuse within the facility. At the Council's request, he inquired and was informed by STS staff that the boys lied on the survey. He shared a report with redacted information regarding the investigation by STS staff.

- Musel also discussed federal Prison Rape Elimination Act (PREA) monitoring. At this time, it is unclear which state agency will be tasked with monitoring juvenile facilities and whether monitoring private residential facilities is required. Musel referred to a handout included in the meeting packet from the National PREA Resource Center. Further information is also needed regarding the definition of 'confinement'. Violations of the 2003 Act could impact federal Formula, JABG, and Byrne grant funding.

Stageberg added that CJJP will do what it can in a coordinating role. Staff have contacted personnel in the Department of Corrections, Office of Drug Control Policy, and the Department of Human Services. Updates will be provided as further information is received.

## **VII. JJDP Act Requirement – 223(a)(3)(D)(iii)**

Musel reviewed that the JJDP Act requires 'contacting and seeking regular input from juveniles currently under the jurisdiction of the juvenile justice system'. He indicated that the youth group AMP (Achieving Maximum Potential) has offered to provide information, but a format has not been determined. AMP is comprised of both foster and adoptive youth.

Doug Wolfe provided information regarding AMP, formerly known as 'Elevate'. Thirteen youth councils across the state meet regularly to discuss issues and propose legislation. He suggested asking AMP members who were formerly adjudicated to respond or conduct a survey.

Discussion included that the 6<sup>th</sup> Judicial District Juvenile Court Services and some private agencies conduct exit surveys for involved youth and their parents. Concern was expressed regarding the low population of juvenile justice youth involved with AMP.

**Carl Smith moved to have CJJP staff review the availability of system-involved youth information sources and requested that JJAC youth members develop and provide further information to the Council. The motion was seconded by Christy Burkhart and was unanimously approved.**

### **VIII. Executive Sub-Committee**

- **Executive Committee, Policy & Programs Committee, Legislative Action Committee**

Carl Smith reviewed Executive Committee discussion regarding changes to the by-laws, legislative action, and possible name changes to the Policy and Programs Committee (PnP). The Executive Committee agreed to enhance the purposes of the PnP including the development of legislative priorities, action plans, and policy recommendations. The PnP committee name would remain as is. Minutes from that meeting were provided in the meeting packet.

Ferneau reviewed discussion regarding lobbying guidelines and asked that the information be shared with all members. Smith reviewed discussion regarding the format for subcommittees that wish to submit issues to the Council. He indicated that the Executive Committee agreed that in certain cases, issues did not need to be funneled through the PnP, but could be placed on a JJAC meeting agenda for action by the full council.

Musel reported that there are two member-at-large vacancies on the Executive Committee. An election will be held at the March, 2014, meeting. Members who are interested in serving in that capacity should contact him.

### **IX. Iowa Task Force for Young Women Sub-Committee Report (ITFYW)**

In the absence of Jennifer Tibbetts, ITFYW Chair, Steve Michael reported that focus has concentrated on the Iowa Juvenile Home (IJH). Both Tibbetts and CJP staff have attended and presented information at Senate oversight hearings and IJH task force meetings. Recommendations from the IJH task force concur that the IJH should become a single-gender environment for delinquent girls. Other recommendations included using private service providers to house CINA girls and boys.

Michael reported that the ITFYW had planned to provide a national expert to present at the spring JCO's/judges conference. However, the agenda is now full. Discussions continue regarding hosting the expert who could also provide technical assistance to the IJH.

### **X. Disproportionate Minority Contact (DMC) Sub-Committee Report**

In the absence of Wayne Ford, DMC Chair, Dave Kuker provided an overview of DMC-related activities.

- A recently awarded Community And Strategic Planning (CASP) grant will provide for the statewide implementation of an online Detention Screening Tool (DST). The State Court Administrator's office has partnered on the grant and has seated an oversight group. As a result, work by the Implementation Committee has been redistributed and the group will no longer exist. The DMC Subcommittee will now oversee the school-court effort.

- The Iowa Department of Education hosted a DMC workshop at their learning supports conference. A national expert, David Osher, reviewed school discipline policy and the effects on minority youth. Approximately 75 school administrators were in attendance.
- A “Summit on Race & Disparities” was held this fall. DMC funds provided scholarships for attendance by approximately ten JCO’s. Workshops included DMC in the juvenile justice system, school-court, and minority impact legislation.
- Osher conducted a second visit with Iowa City middle and high school administrators regarding discipline issues. The administration has set a goal to reduce in half all out-of-school suspensions for defiance/disrespect. Osher will provide a summary which will be shared with JJAC members.
- A team from Johnson and Linn Counties attended racial/ethnic disparity training at Georgetown University. The team included two judges, one from each county. The focus was on school disorderly conduct.
- New members have been added to the DMC Subcommittee.
- Shay Bilchek, Georgetown University, will present information at the JCO/judges spring 2014 conference.
- A bill introduced last year, SF383, to automatically seal juvenile records will be active again this legislative session. A copy will be shared via email.

[The Council recessed for lunch from 11:45 a.m. to 12:15 p.m. Jeralyn Westercamp and Bill Ocker departed the meeting.]

#### **XI. Mental Health Substance Abuse Brain Development (MHSABD) Sub-Committee Report**

Christy Burkhart, MHSABD Chair, reported that the committee plans to conduct a second JCO survey and send a letter to the editor regarding the Kristina Feters case/youth brain development. Burkhart requested Council direction toward other projects prior to expanding the subcommittee’s membership.

The following areas were discussed:

- Accessibility of drug/alcohol treatment – what additional resources, if any, will be accessible through the Affordable Care Act.
- Lack of services in rural areas.
- Raise awareness of mental health issues.
- Refining and replicating the JCO survey will provide important information over time.
- Youth with mental health issues often end up in the juvenile justice system. May be a good time to divert those youth into Integrated Health Homes.
- Expand the staff resource guide to include resources for parents of children with mental health issues.

[12:39 p.m. Carl Smith departed the meeting]

## **XII. Positive Youth Development & Transitioning**

Steve Michael reviewed ‘Youth Transition Decision Making: Alignment with Person-Centered Planning’, a model used in the foster care system. The model provides a youth-centered team approach to support transitioning to adulthood. Two pilot sites (judicial districts) have agreed to use the model with youth aging out of the juvenile justice system.

SIYAC – A second quarter meeting will be held next week. Focus areas and legislative bills are based upon issues brought forth during the Iowa Youth Congress: cyber bullying, suicide prevention training for school staff, tanning restrictions for minors, and a foreign language teaching requirement for elementary schools. The Lt. Governor and Sen. Janet Peterson will provide lobbying tips and appropriate ways to approach legislators. AMP will present their legislative agenda.

Iowa Youth Survey – planning has begun for the survey to be conducted fall, 2014. Discussion included that Des Moines Public Schools do not participate in the survey.

## **XIII. Juvenile Justice Grant Projects**

- **Juvenile Justice Reform Project (JJRP) Update**

Kathy Nesteby reported that the pilot round of SPEP (Standard Program Evaluation Protocol) scoring is winding down. National partners have requested a lot of information from service providers for the cost/benefit portion, however, some of that information is being scaled back.

Shay Bilchek, Georgetown University, one of the national partners, will meet next spring with juvenile court administrators and discuss system alignment. Nesteby noted the interest legislators have had in the project.

- **Community and Strategic Planning**

Beisner reviewed the CASP grant initiative which includes—strategic planning, a statewide automated detention screening tool, and training. A kickoff meeting was held October 29 in Des Moines. The group was seated by the State Court Administrator’s office and is comprised of juvenile court and system professionals, minority advocates, law enforcement, detention, and private providers.

Beisner provided an overview of past and current detention screening efforts. The purpose of the tool is to measure risk to public safety. A CASP detention screening subcommittee was seated. At its first meeting, the group decided to develop a new screening tool that would be used to screen all youth—technical violators, new offenders, and mandatory holds. The tool provides a risk score for every youth screened.

[1:19 p.m. – Robbie Bonus joined the meeting]

Kuker noted that two other subcommittees were seated—Strategic Planning, chaired



by John Spinks and meets on December 20; Training/Education, chaired by Wayne Ford and meets on January 16.

#### **XIV. Unfinished Business**

None

#### **XV. New Business**

- Doug Wolfe discussed human trafficking and whether it should be further addressed by the Council. John Quinn noted that it is an established priority within the Department of Public Safety and would be a natural partnership with DHS. Council members were interested in learning more about this issue. Musel will add the subject to the March agenda and try to find someone to speak to the group.
- Musel reviewed a request from CJJ to support reauthorization of the JJDP Act. A draft letter to Senator Grassley was included in the meeting packet. Suggestions included obtaining support from the governor's office and attaching information specific to Iowa's youth.
- Staff anticipated that the following issues will most likely be addressed during the upcoming legislative session: HSB5—a study bill to expand the jurisdiction of youthful offender status; the Iowa Juvenile Home; and juveniles sentenced to life imprisonment without the possibility of parole.
- Musel discussed the case of Kristina Fetters, sentenced to life as a juvenile. In 2012, the U.S. Supreme Court ruled in *Miller v. Alabama* that life sentences for juveniles were illegal. In 2013, the Iowa Supreme Court ruled in *State v. Ragland* to apply the *Miller* ruling retroactively. As a result, Fetters was recently resentenced and the Parole Board granted a compassionate release to hospice due to a diagnosis of terminal cancer.

During the November Executive Committee meeting, a discussion was held regarding juvenile life sentences, court rulings, and the Fetters case. The Committee thought the matter should be addressed through a letter to the editor.

Musel shared a draft letter to the editor and two Des Moines Register articles. Ferneau commented that it was important for people to think beyond the Fetters case. Musel noted similar juvenile cases in Iowa and constitutionality of mandatory minimum sentencing for juveniles.

A discussion included that the Council has a responsibility to inform public policy decisions while consideration should also be given to crime victims. It was suggested the letter include that youth should be treated differently than adults, reference recent court decisions, state the purpose near the beginning, and be sent to more than one media outlet. There was consensus for staff to work with

#### **XVI. Next Meeting – Thursday, March 6<sup>th</sup>, 2013: Polk County River Place**

**XVII. Adjourn**

The meeting adjourned at 2:06 p.m.

Respectfully submitted,

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights